

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1779\***

**House Bill No. 2699**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-7-113(e)(2), is amended by deleting the language "within five (5) years of the execution of the acknowledgment", and deleting the language "Such action shall not be barred by the five-year statute of limitations where fraud in the procurement of the acknowledgment by the mother of the child is alleged and where the requested relief will not affect the interests of the child, the state, or any Title IV-D agency."

SECTION 2. Tennessee Code Annotated, Section 24-7-113(a), is amended by deleting the language "§ 68-3-305(b) or" and substituting instead "§ 68-3-305(b) by an unwed father or".

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1777\***

**House Bill No. 2698**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-7-113(a), is amended by designating the existing language as subdivision (a)(1) and adding the following subdivision (a)(2):

(2) Notwithstanding subdivision (a)(1), in cases that do not involve the collection of child support under Title IV-D of the Social Security Act (42 U.S.C. § 651 et seq.), a voluntary acknowledgment of paternity that is completed under § 68-3-203(g), § 68-3-302, or § 68-3-305(b) by an unwed father or under similar provisions of another state or government constitutes a legal finding of paternity on the individual named as the father of the child in the acknowledgment only if genetic or DNA test results show a statistical probability of paternity of that individual at ninety-five percent (95%) or greater, and a copy of the genetic or DNA test results is filed with the office of vital records within forty-five (45) days of the date the acknowledgment was signed. The individual named as the father of the child in the acknowledgment is responsible for the costs of the genetic or DNA testing. Unless rescinded pursuant to subsection (c), a voluntary acknowledgment of paternity supported by genetic or DNA test results showing a statistical probability of paternity of that individual at ninety-five percent (95%) or greater and filed with the office of vital records in accordance with this subdivision (a)(2) is conclusive of that father's paternity without further order of the court.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to voluntary acknowledgments of paternity executed on or after that date.



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House Children & Family Affairs Subcommittee Am. # 1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2729**

**House Bill No. 2711\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-5-501(b), is amended by adding the following as a new subdivision:

( ) "Nontraditional child care agency" means a child care agency that provides residential child care for one (1) or more children that must be transported across state lines to enter or leave the agency's care and whose transport across state lines is not subject to the Interstate Compact on Juveniles, compiled in chapter 4, part 1 of this title or the Interstate Compact on the Placement of Children, compiled in chapter 4, part 2 of this title;

SECTION 2. Tennessee Code Annotated, Section 37-5-502(a)(1), is amended by adding the following as a new sentence:

This section does not apply to a nontraditional child care agency. An applicant for a nontraditional child care agency shall comply with § 37-5-520.

SECTION 3. Tennessee Code Annotated, Section 37-5-513(a), is amended by designating the existing language as subdivision (a)(1) and adding the following:

(2) It is the duty of the department, through its duly authorized agents, to inspect, at least twice per year, without previous notice, all nontraditional child care agencies or suspected nontraditional child care agencies.

SECTION 4. Tennessee Code Annotated, Section 37-5-518, is amended by adding the following as a new subsection:



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(c) Each nontraditional child care agency shall include in its annual report to the department:

- (1) The number of children who have been under the agency's care during the license period;
- (2) The number of children adopted or for whom care has been transferred to an individual or entity during the license period;
- (3) The state and county where the children were adopted or transferred;
- (4) The average length of stay of the children with the agency; and
- (5) The amount in grants and public funds received by the agency from federal, state, and local governments.

SECTION 5. Tennessee Code Annotated, Section 37-5-519, is amended by deleting the section and substituting:

(a) The department shall prepare a comprehensive annual report of the status of child care agencies within the state subject to its jurisdiction, accompanied by special comments and recommendations, and the department shall publish the report on the department's website for the public in conjunction with the department's annual report required by § 37-5-105(4).

(b) By March 1 of each year, the department shall make a presentation of the report to the appropriate committees of the senate and the house of representatives, as determined by each respective speaker.

(c) The presentation shall describe, at a minimum, the information described in § 37-5-518(c).

SECTION 6. Tennessee Code Annotated, Title 37, Chapter 5, Part 5, is amended by adding the following as new sections:

**37-5-520. Licensing for nontraditional child care agencies.**

(a)

(1) An individual or entity operating a nontraditional child care agency that serves or intends to serve children must be licensed by the department as provided by this part.

(2)

(A) The department may issue rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, for the licensing of individuals or entities subject to this part and the enforcement of appropriate standards for the health, safety, and welfare of children under the care or supervision of those individuals or entities.

(B) The rules of the department that are in effect on July 1, 2000, remain in effect until modified by regulatory action of the department to the extent the rules are not inconsistent with this part.

(3) The department shall develop the rules for nontraditional child care agencies, and shall base the continued approval of the licensing of a nontraditional child care agency, upon the following criteria:

(A) The safety, welfare, and best interests of the children in the care of the agency;

(B) The capability, training, and character of the individuals providing or supervising the care to the children;

(C) The quality of the methods of care and instruction provided for the children;

(D) The suitability of the facilities provided for the care of the children;

(E) The adequacy of the methods of administration and the management of the nontraditional child care agency, the agency's personnel policies, and the financing of the agency; and

(F) The present need for the nontraditional child care agency.

(b)

(1) The department shall provide reasonable assistance to applicants or licensees in meeting the child care standards of the department, unless the circumstances demonstrate that further assistance is not compatible with the continued safety, health, or welfare of the children in the agency's care, and that regulatory action affecting the agency's license is warranted. Costs and expenses arising from or related to meeting the child care standards of the department are borne entirely by the applicant or licensee.

(2) If a licensee is denied the renewal of an existing license or an existing license is revoked, or if an applicant for a license cannot meet the standards, then the department shall assist in planning for the placement of the children in licensed nontraditional child care agencies, or other suitable care, return them to their own homes, or make other plans as are necessary and advisable to meet the particular needs of the children involved.

(c) Application for a license to operate a nontraditional child care agency must be made in writing to the department in a manner as the department determines and must be accompanied by the appropriate fee set forth in subsection (f).

(d)

(1)

(A)

(i) Except as provided in subdivision (d)(1)(A)(ii), the department shall issue a temporary license to an applicant for a nontraditional child care agency license that is not the renewal of an existing license if the department determines that the applicant has presented satisfactory evidence that:

(a) The facility that is proposed for the care of children:

(1) Complies with local and state building, fire, environmental, health, and safety laws and regulations; and

(2) Includes separate sleeping quarters for children of different genders;

(b) The applicant and the personnel who will care for the children are capable to care for the children;

(c) The applicant has the ability and intent to comply with the licensing law and rules; and

(d) The applicant has obtained liability insurance of no less than two million dollars (\$2,000,000).

(ii) The department shall not issue a temporary license for nontraditional child care agencies that federal law or regulations prohibit the department from licensing until all necessary licensing requirements are met.

(B) If the department determines that the conditions of the nontraditional child care agency license applicant's facility, its methods of care, or other circumstances warrant, then the department may issue a restricted license that limits the agency's authority in one (1) or more areas of operation.

(2) The purpose of the temporary license is to permit the nontraditional child care agency license applicant to demonstrate to the department that it has complied with all licensing laws and rules applicable to its classification prior to the issuance of an initial annual license.

(3) Within ninety (90) days of the issuance of the temporary license, the department shall determine if the applicant has complied with all licensing laws

and rules governing the nontraditional child care agency for which the application was made.

(4)

(A) If the department determines that the applicant has complied with all licensing laws and rules for the nontraditional child care agency for which the application was made, then the department shall issue an annual license.

(B) If the department determines that the conditions of the applicant's facility, its methods of care, or other circumstances warrant, then the department may issue a restricted license that limits the agency's authority in one (1) or more areas of operation.

(5)

(A) In granting a license, the department may limit the total number of children who may be enrolled in the nontraditional child care agency regardless of whether the agency may have the physical capacity to care for more children.

(B) The department shall not approve a license for a nontraditional child care agency to provide care for more than twenty-five (25) children during the license period that must be transported across state lines to enter the agency's care and whose transport across state lines is not subject to the Interstate Compact for Juveniles, compiled in chapter 4, part 1 of this title or the Interstate Compact on the Placement of Children, compiled in chapter 4, part 2 of this title.

(6) The licensee shall post the license in a clearly visible location as determined by the department so that persons visiting the agency can readily view the license.



(7) If the department fails to issue or deny an annual license within ninety (90) days of the granting of the temporary license, then the temporary license remains in effect, unless suspended, as provided in § 37-5-514, until a determination is made. If an annual license is denied following the issuance of a temporary license, and if a timely appeal is made of the denial of the annual license, then the temporary license remains in effect, unless suspended, until the board of review renders a decision regarding the denial of the annual license.

(8) If a temporary or annual license is denied, or an annual license is restricted, then the applicant may appeal the denial or restriction as provided in § 37-5-514.

(e)

(1) Except as provided in this part, a license for a nontraditional child care agency is not transferable, and the transfer by sale or lease, or other manner, of the operation of the agency to another individual or entity voids the existing license immediately and a pending appeal involving the status of the license, and the agency is required to close immediately. If the transferee has made application for, and is granted, a temporary license, then the agency may continue operation under the direction of the new licensee. The new licensee in such circumstances must not be the transferor or an individual or entity acting on behalf of the transferor.

(2) If the department determines that an individual or entity has transferred nominal control of an agency to individuals or entities who are determined by the department to be acting on behalf of the purported transferor in order to circumvent a history of violations of the licensing law or rules or to otherwise attempt to circumvent the licensing law or rules or prior licensing actions instituted by the department, then the department may deny the issuance

of a license to the applicant. The applicant may appeal the denial of the license as provided in § 37-5-514.

(3)

(A) The department shall not void the license of an agency, nor void a pending appeal, pursuant to this subsection (e) solely for the reason that the agency is subject to judicial orders directing the transfer of control or management of a child care agency or its license to a receiver, trustee, administrator, or executor of an estate, or a similarly situated individual or entity.

(B) If the current licensee dies, and provided that no licensing violations require the suspension, denial, or revocation of the agency's license, then the department may grant family members of the licensee, or administrators or executors of the licensee, a temporary license to continue operation for a period of ninety (90) days. At the end of the ninety-day period, the department shall determine whether an annual or extended license should be granted to a new licensee as otherwise provided in this section.

(C) This subsection (e) does not prevent the department from taking regulatory or judicial action as may be required pursuant to the licensing laws and rules that may be necessary to protect the children in the care of the agency.

(f) A nontraditional child care agency shall pay an application fee of twenty-five dollars (\$25.00). Additionally, the agency shall pay a fee of one hundred dollars (\$100) per child that the agency is licensed to care for during the licensure period.

(g) Licensure application and renewal fees collected by the department pursuant to this part must be paid into the general fund, but be earmarked for and dedicated to the department. The department shall use the earmarked fees exclusively to improve child

care quality in this state by funding activities that include, but are not limited to, child care provider training activities, but excluding costs associated with conducting criminal background checks.

(h) Notwithstanding title 13, chapter 7 to the contrary, upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body, a zoning authority, in determining the suitability of a request for a use of property for the establishment or alteration of a child care agency, may consider the criminal background of the person or persons making a request to such board or may consider the criminal background of a person or persons who will manage or operate such child care agency. The board may require the person to submit a fingerprint sample and a criminal history disclosure form and may submit the fingerprint sample for comparison by the Tennessee bureau of investigation pursuant to § 38-6-109, or it may conduct the background check by other means as it deems appropriate. The zoning authority is responsible for all costs associated with obtaining such criminal background information.

(i) On or after July 1, 2022, an applicant seeking a license, including renewal of an existing license, must:

(1) Demonstrate compliance with the evidentiary requirements in subdivision (d)(1)(A)(i);

(2) Provide information regarding other entities operated by the applicant; and

(3) Disclose all contracts and agreements, including contract or agreement amendments, with third parties through which the applicant intends to provide placement, housing, or care services for children in this state.

**37-5-521. Cause of action.**

(a) A child has a cause of action against a nontraditional child care agency that authorizes an individual to be present on the premises of the child care agency and the authorized individual inflicts abuse, neglect, or sexual abuse upon the child.

(b) The attorney general and reporter may bring an action under this section on behalf of a child described in subsection (a) and may seek damages for the benefit of the child as permitted by law.

**37-5-522. Procedures for children not subject to the Interstate Compact on the Placement of Children.**

(a) Within seventy-two (72) hours of beginning to provide care for a child who was transported across state lines to enter the agency's care and whose transport across state lines was not subject to the Interstate Compact for Juveniles, compiled in chapter 4, part 1 of this title or the Interstate Compact on the Placement of Children, compiled in chapter 4, part 2 of this title, a nontraditional child care agency shall:

(1) Prepare a file containing minimal identification requirements of the child. The file must contain, at a minimum, the child's:

- (A) Name;
- (B) Sex;
- (C) Height and weight;
- (D) Verifiable identifiers, if any;
- (E) Fingerprint sample;
- (F) Dental record or copy of the child's birth certificate;
- (G) Immunization record;
- (H) Photograph; and
- (I) List of relatives, if known, and their contact information; and

(2) Submit a copy of the file to the department in a form deemed appropriate by the department by rule.

(b) At least ten (10) business days prior to the transport of a child as described in subsection (a) from the care of the agency to the care of an individual or entity, the nontraditional child care agency shall:

(1) Notify the department that the child will be transported; and

(2) Provide the department with identifying information as deemed appropriate by the department by rule.

(c) The department shall maintain the information described in subsections (a) and (b) in a database. The department shall provide access to the database to law enforcement and other individuals and entities as deemed appropriate by the department by rule and in accordance with all applicable law.

(d) If the department determines that a nontraditional child care agency has violated subsection (a) or (b), then the department may revoke the agency's license in accordance with this part.

**37-5-523. Information sharing with state board of education.**

The department shall notify the state board of education within three (3) business days of issuance of a license to a facility that intends to provide care, or provides care, to children who are transported across state lines to enter the facility's care and whose transport across state lines is not subject to the Interstate Compact for Juveniles, compiled in chapter 4, part 1 of this title or the Interstate Compact on the Placement of Children, compiled in chapter 4, part 2 of this title.

SECTION 7. Tennessee Code Annotated, Section 49-1-302(i)(1), is amended by adding the following as a new subdivision:

(G) Child care provided in facilities licensed by the department of children's services pursuant to title 37, chapter 5, part 5, to children who are transported across state lines to enter the facility's care and whose transport across state lines is not subject to the Interstate Compact for Juveniles, compiled in title 37, chapter 4, part 1 or the Interstate Compact on the Placement of Children, compiled in title 37, chapter 4, part 2.

SECTION 8. Tennessee Code Annotated, Section 49-1-302(i), is amended by adding the following as a new subdivision:

(5) The board, through the state department of education, shall ensure that educational services provided in facilities as described in subdivision (i)(1)(G) meet all

attendance and academic requirements applicable to children enrolled in a public school serving any of the grades kindergarten through twelve (K-12), as provided in this title and pursuant to applicable rules promulgated pursuant to this title.

SECTION 9. The department of children's services, the state board of education, and the department of education are authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 10. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 11. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 12. For purposes of establishing the database described in § 37-5-522(c) in SECTION 6 and promulgating rules to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, at 12:02 a.m., the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 2730**

**House Bill No. 2712\***

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-5-502, is amended by adding the following as a new subsection:

( ) On or after July 1, 2022, an applicant seeking a license, including renewal of an existing license, for a child care agency that provides residential child care shall disclose all contracts and agreements, including contract or agreement amendments, with third parties through which the applicant intends to provide placement, housing, or care services for children in this state.

SECTION 2. Tennessee Code Annotated, Section 37-5-514, is amended by adding the following as a new subsection:

(i)

(1) Notwithstanding a law to the contrary, the department of children's services shall revoke an agency's license if:

(A) The department determines at any time that in a period of one (1) year, the greater of two (2) employees or three percent (3%) or more of facility employees have been charged with a criminal offense for conduct alleged to:

(i) Have occurred on the premises of the agency;

(ii) Be in connection with the agency employee's job responsibilities; or

(iii) Involve a child served by the agency; and



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(B) The agency provides residential child care.

(2) As used in this subsection (i), "employee" includes a person who directly interacts with children served by the agency to provide services on behalf of the agency, regardless of whether the person is an employee, independent contractor, or volunteer.

(3) A person who has served as full or part owner or director, or as a member of the management, of a child care agency with a license revoked pursuant to subdivision (i)(1) shall not receive a license to operate a child care agency for one (1) year following the date of the revocation.

SECTION 3. Tennessee Code Annotated, Section 37-5-513, is amended by adding the following new subsections:

(d) Upon request by the department, an approved or suspected child care agency that provides, or is suspected of providing, residential child care shall provide a census of the number and names of children currently in the agency's care.

(e)

(1) Upon the escape or disappearance of a child in the care of an approved child care agency, the agency shall immediately report the disappearance of the child to the department and the chief law enforcement officer of the county in which the agency is located. The report must include, at a minimum:

(A) The facts of the disappearance;

(B) The time the child escaped or disappeared;

(C) The circumstances under which the escape or disappearance occurred; and

(D) A description of the missing child, including the child's age, size, complexion, race, and color of hair and eyes.



(2) The agency shall designate an individual who is responsible for making the required reports pursuant to subdivision (e)(1). An individual so designated by the agency who intentionally fails to comply with the reporting requirement commits a Class B misdemeanor.

SECTION. 4. Tennessee Code Annotated, Section 37-5-518, is amended by deleting the section and substituting:

(a) Each child care agency shall make an annual report of its work to the department on a form as the department prescribes by rule.

(b) The department shall prepare and supply to all child care agencies the necessary printed forms to record the requested information.

(c) An agency that provides residential child care shall include, at a minimum, in its annual report to the department:

(1) The number of children who have been under the agency's care during the license period;

(2) The disposition of children for whom care has been transferred to an individual or entity during the license period, including, but not limited to:

(A) The number of children for whom care has been transferred;

(B) The state and county where each child was adopted or transferred; and

(C) The reason for the transfer, including whether the child was placed in foster care or with a family member; and

(3) Any contracts or agreements with third parties, including contract or agreement amendments, through which the child care agency has agreed to provide placement, housing, or care services for children.

SECTION 5. The department of children's services is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the

Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4,  
Chapter 5.

SECTION 6. For the purpose of promulgating rules, this act takes effect upon becoming  
a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, at  
12:01 a.m., the public welfare requiring it.